

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BEVERLY NEHMER, et al.,

Plaintiffs,

v.

THE UNITED STATES DEPARTMENT OF
VETERANS AFFAIRS, et al.,

Defendants.

Civil Action No. CV-86-6160 (TEH)

**(PROPOSED) ORDER AMENDING THE
PRIVACY PROTECTIVE ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED, the Privacy Protective
Order (docket item 224) entered by the Court on August 10, 1999 is amended as follows:

10. Upon entry of this order to amend the privacy protection order of August 10, 1999, defendants are authorized to disclose to plaintiffs' counsel the names and file numbers of claimants for whom VA has prepared a "Memorandum for the Record" determining that the claimant is not entitled to an adjudication under Final Stip. & Order, ¶3.

11. Documents pertaining to VA's readjudication of claims of class members based on the addition prior to 2010 of conditions to VA's list of diseases presumptively associated with exposure to herbicides used in Vietnam will be retained by VA at a VA facility for a period of three years from the date of last use before being transferred to a Federal Records Center. In accordance with the applicable records retention schedule, such records will be disposed of three years and three months after transfer to a Federal Records Center, which will be six years and three

1 months after the resolution of the claim. This provision does not apply to rating decisions and other
2 documents contained in official VA claim files.

3 12. Documents pertaining to VA's readjudication of claims of class members
4 based on the 2010 addition of conditions to VA's list of diseases presumptively associated with
5 exposure to herbicides used in Vietnam will be retained by VA at a VA facility before being
6 transferred to a Federal Records Center until at least the later of (a) the expiration of a period of
7 three years from the date of last use, or (b) one year after VA notifies class counsel in writing that it
8 has completed disposition of each of the approximately 145,000 claims identified by VA. In
9 accordance with the applicable records retention schedule, such records will be disposed of three
10 years and three months after transfer to a Federal Records Center. This provision does not apply to
11 rating decisions and other documents contained in official VA claim files.

12
13
14 Dated: 12/22/2011

